

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**ERIC DANTE PITT, for himself and on
behalf of all similarly situated individuals,**

Plaintiff,

v.

Civil Action No. 3:11cv697

**KMART CORPORATION,
A wholly owned subsidiary of Sears
Holdings Corporation,**

and

SEARS HOLDINGS CORPORATION,

Defendants.

**MEMORANDUM IN SUPPORT OF CONSENT MOTION FOR ENTRY OF
AGREED ORDER REGARDING TIMING OF PRIVILEGE LOG**

Defendants Kmart Corporation, a wholly owned subsidiary of Sears Holdings Corporation (“Kmart”), and Sears Holdings Corporation (“Sears”) (collectively, “Defendants”), by counsel, with consent of Plaintiff Eric Dante Pitt (“Plaintiff”), by counsel, submit this Memorandum in Support of their Consent Motion For Entry of Agreed Order Regarding Timing of Privilege Log.

In the present case, on June 5, 2012, the Court issued an Agreed Scheduling Order which is to govern discovery in this matter. (Docket No. 18). Prior to that Order, on June 1, 2012, Plaintiffs served Requests for Production on both Sears and Kmart (the “Requests”). While Defendants have not yet gathered all of the documents that they anticipate will be responsive to the Requests, they will object to some of the Requests on the ground that the Requests seek documents protected by Attorney-Client Privilege or the Work Product Doctrine.

In order to allow greater time to review and process these documents, the parties have agreed that the time each party may serve a required privilege log shall be enlarged to 45 days of the other party's service of discovery request to which the log pertains. The parties may extend this time period by mutual agreement or, if necessary, any party may file a motion for an extension with the Court.

For the reasons stated above, Defendants respectfully request that the Court enter the accompanying proposed Agreed Order, which is attached as Exhibit A to the motion accompanying this memorandum.

Dated: June 18, 2012

Respectfully Submitted,

**KMART CORPORATION and
SEARS HOLDINGS CORPORATION**

By: /s/ John C. Lynch
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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of June, 2012, I electronically filed the foregoing document using the Court's CM/ECF system, which will send notification of such filing the following CM/ECF participants:

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